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Part IV

Department of Agriculture

Federal Grain Inspection Service

Delay Effective Date of Requirement for Change in Mode of Operation

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 802

Delay Effective Date of Requirement for Change in Mode of Operation

AGENCY: Federal Grain Inspection Service.

ACTION: Emergency final rule.

SUMMARY: On March 11, 1980 (45 FR 15682), the Federal Grain Inspection Service (FGIS) issued official performance and procedural requirements for grain-weighing equipment and related grain handling systems (codified in 7 CFR Part 802). Section 802.2(r) of the requirements provides that effective January 1, 1981, all grain-weighing automatic hopper scales shall be designed so that the mode of operation, and each change in mode of operation, is indicated on the printed record in a prescribed manner. FGIS is delaying the effective date of this provision until January 1, 1983, for scales installed on or before January 1, 1981; for scales installed after January 1, 1981, the previously established effective date remains unchanged.

DATES: Effective December 8, 1980. Comments must be received on or before February 6, 1981.

ADDRESS: Comments must be submitted in writing, in duplicate, to the Issuance and Coordination Staff, USDA, FGIS, Room 1127 Auditors Building, Washington, D.C. 20250, telephone (202) 447-3910, where they will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: George T. Lipscomb, Director, Weighing Division, USDA, FGIS, Room 3117 Auditors Building, Washington, D.C. 20250; telephone (202) 447-4851.

SUPPLEMENTARY INFORMATION: This emergency final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified as not significant. Because this action merely delays an effective date, without imposing additional burdens on the economy or on individuals, no impact statement has been prepared.

Dr. L. E. Bartelt, FGIS Administrator, has determined that an emergency situation exists which warrants publication without prior opportunity for a public comment period, because of the need to inform grain elevator operators and other affected parties that previously installed automatic hopper scales will not have to be modified by January 1, 1981, to meet the requirements of 7 CFR 802.2(r).

Under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest; and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the **Federal Register.** Comments are being solicited for 60 days after publication of this document, and this emergency final action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

FGIS has received several requests from the trade to delay implementation of this requirement. These requests have cited unavailability of modified equipment or plans for the installation of new weighing equipment as justification for delaying this requirement.

Therefore, 7 CFR Part 802 is amended by revising § 802.2(r) to read as follows:

§ 802.2 General requirements.

* * * * *

(r) *Change in mode of operation.* All grain weighing automatic hopper scales shall be designed so that the mode of operation and each change in mode of operation is indicated on the printed record by a symbol, number, or word which clearly designates the mode in which the scale is operated (i.e., A—automatic, M—manual, SA—semiautomatic, 1—automatic, 2—manual, 3—semiautomatic). This requirement becomes effective January 1, 1981, for scales installed after that date; for scales installed on or before January 1, 1981, this requirement becomes effective January 1, 1983.

(Pub. L. 94-582, 90 Stat. 2867, as amended by Pub. L. 95-113, 91 Stat. 1024 (7 U.S.C. 71, et seq.))

Done in Washington, D.C. on: December 3, 1980.

L. E. Bartelt,

Administrator.

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